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April Reeves

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

C. Case *et al.*

Application No.: 09/942,087

Filed: August 28, 2001

For: MODULATION OF ENDOGENOUS
GENE EXPRESSION IN CELLS

Examiner: John S. Brusca

Group Art Unit: 1631

Confirmation No.: 7166

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Sangamo BioSciences, Inc. (the Assignee) is the owner of the entire right, title and interest in the instant application, by virtue of an Assignment recorded on December 6, 2001 at Reel 012218, Frame 0221.

2. The Assignee is also the owner of the entire right, title and interest in U.S. Patent No. 6,534,261, issued March 18, 2003, by virtue of an assignment recorded on April 1, 1999 at Reel 010418, Frame 0960.

3. The Assignee is also the owner of the entire right, title and interest in US Patent Application Serial No. 09/478,681 by virtue of an assignment recorded on June 9, 2000 at Reel 010847, Frame 0954. USSN 09/478,681 matured into U.S. Patent No. 6,607,882 on August 19, 2003.

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4. The Assignee is also the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/706,243 by virtue of an assignment in its parent application (USSN 09/229,037) recorded on April 1, 1999 at Reel 010418, Frame 0960.

5. The Assignee is also the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09,897,844, by virtue of an assignment in its parent application (USSN 09/229,037) recorded on April 1, 1999 at Reel 010418, Frame 0960.

6. The Assignee is also the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/222,614, by virtue of an assignment in its parent application (USSN 09/229,037) recorded on April 1, 1999 at Reel 010418, Frame 0960.

7. The assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application Serial No. 09/942,087 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of either of U.S. Patents 6,534,261 and 6,607,882 and of any patent granted on pending applications 09/706,243; 09/897,844; and 10/222,614. Assignee further agrees that any patent granted on the above-captioned application Serial No. 09/942,087 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patents 6,534,261 and 6,607,882 and of any patent granted on pending applications 09/706,243; 09/897,844; and 10/222,614; this agreement to run with any patent granted on the above-captioned application Serial No. 09/942,087 and to be binding upon the grantee, its successors or assigns.

8. In making this disclaimer, the assignee does not disclaim the terminal part of any patent granted on the above-captioned application Serial No. 09/942,087 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent 6,534,261 or US Patent 6,607,882; or of any patent granted on pending applications 09/706,243;

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Docket No. 8325-0002.21
Reference No. S2-US5

09/897,844; and 10/222,614; in the event that any of the aforementioned patents or patent applications later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term.

9. The undersigned is an agent of record in the instant application by virtue of a Power of Attorney by Assignee dated October 23, 2001 and mailed to the USPTO on December 3, 2001.

10. A check in the amount of \$110.00 for a Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is included.

Respectfully submitted,

Date: 9.25.03

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